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FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

Letter dated 18 February 1994 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

I wish to take this opportunity to inform you of the considerable progress made by the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 during its second session, which ended last week, and to convey the views of the International Tribunal on various matters that require the urgent attention of the Fifth Committee and the General Assembly of the United Nations, in particular, the adoption of the budget for the biennium 1994-1995.

The judges of the International Tribunal sat in session for four weeks, at the end of which the rules of procedure and evidence of the International Tribunal were formally adopted. The 126 rules cover all aspects of the functioning of the Tribunal, from its internal organization and administration to the conduct of pretrial investigations, indictment of suspects and trial procedures, including appellate and review procedures. In short, they provide the operational framework for the Tribunal to proceed to the next stage of its appointed task and, we hope, will go a long way towards curbing public scepticism as to the practical ability of the Tribunal to perform that task.

The International Tribunal is now well advanced in its preparations for the investigative and judicial phases of its operations. Professor Theo van Boven has been appointed Acting Registrar, pending budget approval. He will be responsible for the administration of the International Tribunal and will serve

as its public channel of communication. A Deputy Prosecutor, Mr. Graham Blewitt, has been appointed and is currently en route to take up his appointment in The Hague after a visit to United Nations Headquarters in New York. He will commence recruitment of investigative staff shortly and will oversee the transfer of data from the Commission of Experts established pursuant to Security Council resolution 780 (1992), chaired by Professor Bassiouni. It is expected that Mr. Blewitt will start his investigations most expeditiously.

Obviously, in order to fulfil its mandate, the International Tribunal needs the continued support of the States Members of the United Nations. The question of whether the Tribunal can, in fact, accomplish the task before it is now largely in the hands of the various Member States and bodies of the United Nations. The crux of the matter is the budget. The Tribunal is currently working on the basis of its initial six-month funding. The budget for the biennium 1994-1995 is awaiting Fifth Committee review and General Assembly approval. I therefore take the liberty of urging you to do everything within your power to ensure that it is approved, and the necessary funds appropriated, as quickly as possible.

These resources are essential to enable the International Tribunal to perform its mandate effectively on the basis of its statute and its rules of procedure and evidence. In particular, the Tribunal urgently needs human resources to staff the Offices of the Registrar and the Prosecutor, including the Investigation, Prosecution and Victims and Witnesses Units, and technical support resources to enable those staff to function to their fullest capacity. The International Tribunal also needs physical resources, especially a courtroom and a prison block for detainees, in order that trials may commence shortly, possibly as early as mid-1994. All of these matters are now solely dependent upon budget approval for financing.

To conclude, the International Tribunal is now in a position to enter into its most important and effective phase, to assume its role as a meaningful participant in the international measures to put an end to the crimes being committed in the former Yugoslavia, and to bring to justice the persons responsible for those crimes. It has a physical presence in The Hague, with offices and a skeleton support staff. It has space for archives and other storage facilities, including space that can be remodelled for a courtroom and holding facilities. It has an Acting Registrar and a Deputy Prosecutor, both eager to commence their operations. It has formal rules of procedure and evidence to guide its actions. It lacks only the financial resources required to set it all in motion.

On behalf of the International Tribunal, I would like to appeal to you to do your utmost to ensure that this unique operation of rendering justice is not unduly delayed.

You may wish to have this letter circulated as an official document of the Fifth Committee.

(Signed) Antonio CASSESE
President